

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2021-88-E**

IN RE: )  
)  
Dominion Energy South Carolina, Inc.'s )  
2021 Avoided Cost Proceeding Pursuant to )  
S.C. Code Ann. Section 58-41-20(A) )  
\_\_\_\_\_ )

**MOTION FOR EXTENSION OF TIME  
AND FOR OTHER RELIEF**

NOW COMES the Carolinas Clean Energy Business Association (“CCEBA”) and moves the Public Service Commission of South Carolina to extend by two weeks, the time by which intervenors may file direct testimony in this proceeding, along with subsequent testimony deadlines and hearing dates. In the alternative, Intervenors move this Commission (i) to allow supplemental direct testimony by all other interested parties to be submitted by July 26, 2021, (ii) for Dominion Energy South Carolina, Incorporated, (“DESC”) to file rebuttal testimony by August 3, 2021, and (iii) for any intervenors to file surrebuttal testimony by August 16, 2021. In addition, CCEBA requests that this Commission accelerate the response deadline by which DESC must respond to CCEBA’s First and Second Sets of Interrogatories and Requests for Production to July 19, 2021.

In support of this motion, Intervenors show the Commission the following:

- (1) In Order 2021-166, this Commission established a procedural schedule for the consideration of the DESC Avoided Cost docket (2021-88-E) and the two Duke Energy dockets (2021-89-E and 2021-90-E). That schedule required DESC to file its Application on April 19, 2021, followed by Direct Testimony on June 7, 2021.
- (2) According to the schedule, all other parties would have until June 21, 2021 to file their direct testimony.

- (3) DESC filed its application on April 22, 2021.
- (4) South Carolina Code Ann. § 58-41-20(J) requires that “[e]ach electrical utility’s avoided cost filing must be reasonably transparent so that underlying assumptions, data, and results can be independently reviewed and verified by the parties and the commission.”
- (5) As detailed by the May 12, 2021 Motion for Review of Application Sufficiency filed by the South Carolina Department of Consumer Affairs (“SCDCA”) (“the SCDCA Motion”), DESC’s Application was not transparent, and was in fact notably deficient in that on numerous important topics. In its Application, DESC stated that it would “develop and submit for review and approval” further materials “as part of filing its direct testimony.” (*See* SCDCA Motion at 2-3.) The SCDCA moved the Commission to require DESC to file a supplemental Application with the required information included. On May 18, 2021, CCEBA, SCCCL and SACE filed letters to support SCDCA’s Motion.
- (6) On May 24, 2021, DESC filed a Response in Opposition to the SCDCA Motion.
- (7) On May 26, 2021, the Commission entered Directive Order 2021-384 granting the SCDCA Motion and finding DESC’s Application did not conform with Regulation 103-823 and provided insufficient information. The Commission required DESC to amend its Application and submit it by June 7, 2021. The Directive Order required DESC to include in its amended filing “its proposals for its standard offer, avoided cost methodologies, form contract power purchase agreements, commitment to sell forms, and any and all other appropriate terms and conditions for which it seeks approval.”
- (8) On June 7, 2021, DESC filed a Supplemental Application. While the supplemental Application included proposals for the various form contracts, it still failed to provide supporting information as to several required areas of transparency. For instance, DESC

included in its amended Application a proposed integration charge but failed to provide the study or studies on which that proposed integration charge was based. It failed to include gas and load forecast assumptions or to clarify whether DESC based its Application on low or base load forecast or low/medium gas price assumptions from their recently-filed IRP. DESC also failed to provide support for the pricing periods chosen in their application, despite being *required* to do so under Commission Order No. 2019-847 in the 2019 Avoided Cost Proceeding. (“While the record did not sufficiently evidence that the DESC pricing periods were actually biased or inappropriate, the risk of – at a minimum – inaccuracies due to the broad pricing periods is significant. Accordingly, additional justification for pricing periods should be presented in future filings.”)

- (9) On June 16, 2021, in Directive Order 2021-88-E, the Commission revised the schedule of prefile testimony deadlines, requiring DESC to file its direct testimony on or before June 29, 2021, with other parties of record to file their direct testimony on or before July 13, 2021, with DESC rebuttal due July 27, 2021 and any surrebuttal due August 10, 2021.
- (10) In the meantime, SCDCA served discovery upon DESC. On June 22, 2021, in response to SCDCA’s requests for data and supporting documentation, DESC made a limited production.
- (11) In response to specific requests for additional data, DESC responded that “DESC is in the process of updating its avoided energy, avoided capacity and variable integration charge rates, as well as its commitment to sell form, terms and conditions. When DESC completes its calculations and updates to the commitment to sell form, the Company will update its response to this request.” (DESC Resps. to DCA Requests 1-04, 1-05, 1-07, 1-

- 10). In other Responses, DESC stated that further information would be provided along with its Direct Testimony. (DESC Resps. To DCA Requests 1-06, 1-09).
- (12) On June 25, 2021, *four days prior to the filing of its Direct Testimony*, DESC filed yet another Supplemental Application. In its cover letter, DESC stated “Based upon further analysis and review, the Company has determined that further amendments to its Application are required.” Neither the letter nor the Second Supplemental Application detailed the “further analysis and review” which led to the changed in the Second Supplemental Application.
- (13) CCEBA filed and served its First Set of Interrogatories and Requests for Production on DESC on June 28, 2021. Responses to these requests are due on or before July 19, 2021.
- (14) On June 29, 2021, DESC filed Direct Testimony in support of its Application, including the testimony of six witnesses, totaling 687 pages. The testimony, however, failed to provide substantial information necessary to the understanding and analysis of the application. CCEBA has had a chance to review the testimony submitted, along with both Supplemental Applications, and is simply unable adequately to prepare testimony on the Avoided Cost application and the underlying calculations and assumptions due to incompleteness of DESC’s submissions.
- (15) On July 2, 2021, after an initial review of the testimony and the Second Supplemental Application, CCEBA filed and served its Second Set of Interrogatories and Requests for Production on DESC seeking detailed information related specifically to the testimony of DESC’s six witnesses and seeking production of all relevant workpapers. Responses to this second set of discovery are due on July 22, 2021.

- (16) DESC has now made four filings in this docket since April 22, 2021. At each turn, CCEBA anticipated that DESC would shortly do what it was repeatedly ordered to do, and what it committed to do in its responses to discovery served by other intervenors. At each turn, DESC failed to fulfill its responsibilities, and CCEBA was required to serve the substantial discovery it has served in order to obtain information *which should have been filed along with the original Application in the first place*.
- (17) Despite this Commission's direct order, and despite filing three separate Applications and the pre-hearing testimony of its six witnesses, DESC continues to withhold most of the information supporting its Applications. By doing so, DESC has effectively limited any third-party intervenor from preparing its own direct testimony. Key information on which CCEBA seeks to receive the advice of consulting experts and testifying witnesses has yet to be produced, and under the present schedule will not be produced until after the July 13, 2021 deadline by which Intervenors' direct testimony is due.
- (18) CCEBA, and the ratepaying public, have been substantially prejudiced by DESC's delay tactics in this proceeding. CCEBA, and any other current or potential intervenor, is now essentially required to produce direct testimony without the benefit of full discovery or information supporting DESC's Avoided Cost Application. As a result, the testimony submitted is likely to be incomplete and based on a review of substantially less than all of the required information.
- (19) The purpose of the Avoided Cost process under South Carolina Code Ann. § 58-41-20(A) and other provisions is to allow the Commission and intervening parties the time and information necessary to provide for a thorough and informed hearing and process in order to best serve the ratepaying public of South Carolina.

- (20) As stated in the SCDCA Motion, in these proceedings, even where adequate information is provided in a timely manner, “[o]ther parties are at an extreme time disadvantage when requesting, receiving, reviewing, and responding to a company’s application and associated calculations and supporting documents.” (SCDCA Motion at 4.) Here, DESC has greatly exacerbated this inequity.

**RELIEF REQUESTED**

Based on the above, and in order to mitigate the prejudice imposed by DESC’s tactics, CCEBA moves this Commission for the following relief:

- (1) For an Order, extending by two weeks, the time by which intervenors may file direct testimony in this proceeding along with subsequent testimony deadlines and hearing dates.
- (2) In the alternative, for an Order allowing supplemental direct testimony by all other interested parties to be submitted by July 26, 2021, for Dominion Energy South Carolina, Incorporated, to file rebuttal testimony by August 3, 2021, and for any intervenors to file surrebuttal testimony by August 16, 2021.
- (3) In addition, CCEBA requests that the Commission accelerate the response deadline by which DESC must respond to CCEBA’s First and Second Sets of Interrogatories and Requests for Production to July 19, 2021.
- (4) AND FOR SUCH OTHER AND FURTHER RELIEF AS THIS COMMISSION MAY DEEM JUST AND APPROPRIATE.

Respectfully requested, this 7th day of July, 2021.

Respectfully Submitted,

/s/Richard L. Whitt

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*As Counsel for Intervenor, Carolinas Clean Energy  
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July 7, 2021